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Sommersemester 2002
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Course Description:

This course is designed for students of anthropology, law and related fields. Legal anthropology involves the examination of conflicts between culture and human rights. The course examines the relationship of these two controversial concepts. The emphasis of the course is on critical examination of law as an instrument of social change, justice, and human rights. We will focus on different fields of anthropology of law: collective rights of minorities and religious groups, rights of indigenous peoples, various anti-racism programs and analyze these together with the newly evolving human rights standards.

Requirements:

We read selected texts, and discuss them. The students shall take actively part in the discussion. To receive a `ScheinA, students will be asked to give at least one 10 minute oral presentation based on reading (Referat) on one of the suggested topics and conduct a personal short field experiment. In order to receive a `benoteter ScheinA, students will additionally make a case study and deliver it in a written form latest one week after the end of the seminar. The students should take notes during all the lessons and reflect the reading material in her/his notes - and reflect these notes in the written end-version of the case study.

Handapparat:

The reading material will be available for students in the library of the Institute.

Schedule of Classes

General Introduction to Legal Anthropology

22.4 FIRST MEETING

Course syllabus

Getting started with Human Rights

Global Snapshots: Introduction to Human Rights

Steiner, Henry J. & Alston, Philip: International Human Rights in context - Law, Politics, Morals. 2000 (2. Ed.). Oxford: Oxford University Press. Pp. 4-13.

29.4 INTRODUCTION

What is legal anthropology? What are Human Rights?

* *Donnelly, Jack: The Concept of Human Rights. In: Donnelly, J. 1989. Universal Human Rights in Theory and Practice. Ithaca & London: Cornell UP. Pp. 9-27. (_____)*

* *Merry, Sally Engle: Changing rights, changing culture. In: Cowan, J., Dembour, M-B. & Wilson, R.A. (2001). Culture and Rights: anthropological perspectives. Cambridge: Cambridge University Press. Pp. 31-55. (_____)*

6.5 THE CLASSICS

Gluckman and rationality of law

* *Gluckman, Max. 1997. Concepts in the comparative study of tribal law. In: Nader, L. (ed.) Law in Culture and Society. Berkeley. (Orig. 1969). Pp. 349-373. (_____)*

Hoebel and law as culture

* Hoebel, E. Adamson. 1997. *Keresan Pueblo Law*. In: Nader, L. (ed.) *Law in Culture and Society*. Berkeley. (Orig. 1969). Pp. 92-116. (_____)

Bohannan and uniqueness of law

* Bohannan, Paul: *Ethnography and comparison in Legal Anthropology*. In: Nader, L. (ed.) *Law in Culture and Society*. Berkeley. (Orig. 1969) . Pp. 401-418. (_____)

Case study: American Anthropological Association, Cultural relativism, and the Declaration of Human Rights (_____)

13.5 EXCURSION: MENSCHENRECHTSZENTRUM POTSDAM

20.5 HOLIDAY

Anthropological perspectives on contemporary plural societies

27.5 STATE, LAW AND ANTHROPOLOGY

Legal Pluralism

* Moore, Sally Falk (2000). *Law and anthropology*. In. Moore, S.F. (1978). *Law as Process*. London: Routledge & Kegan Paul plc. Pp. 214-257. (_____)

Obstacles to democracy and anthropologists

* Wilson, Richard A. 1997. *Rights, Culture and context: an introduction*. In: Richard A. Wilson: *Human Rights, culture and context: anthropological perspectives*. 1-27. London: Pluto Press. (_____)

* Eriksen, Thomas Hylland: *Multiculturalism, individualism and Human Rights: romanticism, the enlightenment and lessons from Mauritius*. 2001 In: Richard A. Wilson: *Human Rights, culture and context: anthropological perspectives*. 1-27. London: Pluto Press. (_____)

Excursion feedback

3.6 HUMAN RIGHTS ORDER

What are the basic documents?

* Eriksen, Thomas Hylland (2001). *Between universalism and relativism: a critique of the UNESCO concept of culture*. In: Cowan, J., Dembour, M-B. & Wilson, R.A. (2001). *Culture and Rights: anthropological perspectives*. Cambridge: Cambridge University Press. Pp 127-148. (_____)

* An-Na'im Abdullahi: *Human Rights in the Muslim World*. 3. *Harvard Human Rights Journal* 13 (1990).

* Pannikar, R. "Is the notion of Human Rights a Western Concept?" *Diogenes* 1982;120 (Winter):75-102. (_____)

Case Study: European Charter for Fundamental Rights (European Union)
(_____)

Case study: Cross-cultural perspectives - Islam, India (_____)

10.6 VIDEO

17.6 RIGHTS OF CULTURAL MINORITIES MINORITY QUESTIONS IN WESTERN EUROPE

* Cowan, Jane K. (2001). *Ambiguities of an emancipatory discourse: the making of a Macedonian minority in Greece*. In: In: Cowan, J., Dembour, M-B. & Wilson, R.A. (Ed.). *Culture and Rights: anthropological perspectives*. Cambridge: Cambridge University Press. (_____)

* Makkonen, Timo (2000). *Identity, Difference and Otherness. The concepts of <_People>, <_Indigenous People> and <_Minority> in International Law*. Helsinki: Erik Castren Institute Reports 7/2000. Pp. 81-109. (_____)

* Toivanen, Reetta (2001). *Minderheitenrechte als Identitätsressource - die Sorben in Deutschland und die Saamen in Finnland*. Münster: Lit Verlag. Pp. 211-251.

Equality in law vs. Equality in fact

Case Study: Federal Union of European Nations (FUEN) and its political agenda (_____)

Case Study: Economic, Cultural and political rights - developments/obstacles (_____)

Case Study: Rights as a resource (_____)

24.6 WOMEN'S RIGHTS AS HUMAN RIGHTS

Griffiths, Anne. 2001. *Gendering Culture: towards a plural perspective on Kwena women's rights*. In: Jane K. Cowan, Marie-Bénédicte Dembour & Richard A. Wilson: *Culture and Rights. Anthropological Perspectives*. Pp. 102-126. Cambridge: Cambridge Univ. Press. (_____)

GEDAW - introduction

Case study: European Equality rights (_____)

Discussion Female Genital mutilation (notes in Handapparat)

1.- 5. 7 PERSONAL _FIELD TRIPS>

8.7 INDIGENOUS PEOPLE AND RIGHTS WORLD BANK AND TRANSNATIONAL COMPANIES

* Warren, Kay B. (1998). *Indigenous Peoples and their critics: Pan-Maya activism in Guatemala*. New Jersey: Princeton University Press. Pp. 3-32. (_____)

* Toivanen, Reetta (2002). *Defining a People: How do international rights influence the identity formation of minority groups*. Minda de Gunzburg Center for European Studies Working Papers. Harvard University.

* Moore, Sally Falk (2001). *The international production of authoritative knowledge: the case of drought-stricken West-Africa*. *Ethnography* Vol 2(2),161-189. (_____).

* Clifford, James (1988). *The Predicament of culture between twentieth-century ethnography, literature, and art*. Cambridge: Harvard University Press. Pp. 276-346. (_____)

Case Studies Rights to development (_____)

Attac (_____) Body Shop (_____)

Shell in Nigeria (_____) World Bank (_____)

15.7 RACISM AND HUMAN RIGHTS RELIGIOUS MINORITIES AND 'DIFFERENTA HR

Dhalla, Paul E. H. (1993). Contesting the future: Indian Ethnic Politics and the Competing Moral Discourses of Nonracialism and Multiculturalism in South Africa. In: Moore, S.F. (Ed.) Moralizing states and the ethnography of the present. American Ethnological Society Monographs Series Nr. 5. Pp. 17-54. (_____)

Case Studies Victims organizations (_____)

Program: Tolerantes Brandenburg (_____)

Language rights as HR (_____)

Final discussion, wrap up and review

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Field study presentations by students

26.7 Last day to return notes and case study

29.7 10-14 Personal feedback in room 203, please make an appointment